



1 DEVIN DERHAM-BURK #104353  
2 CHAPTER 13 STANDING TRUSTEE  
3 P O BOX 50013  
4 SAN JOSE, CA 95150-0013

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7  
8 The following constitutes  
9 the order of the court. Signed September 1, 2017

10 *M. Elaine Hammond*

11  
12 M. Elaine Hammond  
13 U.S. Bankruptcy Judge

14  
15 UNITED STATES BANKRUPTCY COURT  
16 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

17 In Re: ) Chapter 13  
18 GREGORY A DEL CARLO ) Case No. 16-52268 MEH  
19 TRACY L DEL CARLO )  
20 \_\_\_\_\_ Debtors **ORDER CONFIRMING PLAN**

21 The Debtors filed an Amended Plan under Chapter 13 of the Bankruptcy Code on July 05,  
22 2017, a copy of which was served on creditors.

23 The court's decision in *In re Escarcega*, 557 B.R. 755 (Bankr. N.D.Cal. 2016) is adopted  
24 by reference if the plan being confirmed was amended before being confirmed to take account of  
25 that decision or if the plan being confirmed was filed "under duress."

26 After hearing on notice on August 29, 2017, the Court finds that the Plan complies with 11  
U.S.C. § 1325(a), and other applicable bankruptcy laws, rules and procedures.

27 THEREFORE, IT IS ORDERED THAT:

28 1. The Debtors' Amended Plan filed on July 05, 2017 is confirmed.  
29 2. The future income of the Debtors shall be submitted to the supervision and control of DEVIN  
30 DERHAM-BURK, Trustee herein, as is necessary for the execution of the Plan.

3. Any creditor whose claim is entirely disallowed by final non-appealable order, and any creditor listed in the Debtors' original Schedules that has not filed a proof of claim by the claims bar date need not be served with notice of any subsequent action in this case by the Debtors or the Trustee, unless such creditor files a request for special notice with the Court, and serves such request on the Trustee and Debtors' attorney. Notwithstanding the above, if any proposed action would directly and adversely impact a creditor, that creditor must be given notice of any motion or application.
4. Until the Plan is completed, or until the case is dismissed or converted to a different chapter of the Bankruptcy Code, the Debtors shall pay, pursuant to the terms of the Plan, to the Trustee the sum of. \$200.00 X 60 mos and \$114,475.00 by 2/28/2018 no later than the last day of each month, at PO BOX 50009, SAN JOSE, CA 95150-0009
5. If the Debtors fail to timely tender a payment as set forth above, the Plan shall be considered in default. Upon written notice of default by the Trustee, the Debtors shall, within twenty-one (21) days of said notice: 1) cure the default; 2) meet and confer with the Trustee and enter into an agreement resolving the default in a manner acceptable to the Trustee; OR 3) file and serve a Motion to Modify Plan which shall propose terms under which the Plan is not in default and which shall provide for Plan completion within sixty (60) months after the time that the first payment under the original plan was due.
6. Except as otherwise provided in the Plan or in the Order Confirming Plan, the Trustee shall make payments to creditors under the Plan pursuant to the Distribution Order Regarding Model Chapter 13 Plan (February 1, 2016) San Jose Distribution Order ("Distribution Order"). In the event of any conflict between the Plan and the Distribution Order regarding payments under the Plan, the terms of the Distribution Order shall govern.

\*\*\* END OF ORDER \*\*\*

**COURT SERVICE LIST**

Case Name: GREGORY A DEL CARLO  
TRACY L DEL CARLO

Case No.: 16-52268 MEH

Registered ECF Participants will receive an electronically mailed copy of the foregoing document.

Non-registered parties, and/or those not represented by a registered ECF participant:

NONE